



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB1738

Introduced 2/15/2013, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
230 ILCS 40/5	
230 ILCS 40/25	
230 ILCS 40/45	
230 ILCS 40/78	
720 ILCS 5/28-2	from Ch. 38, par. 28-2
720 ILCS 5/28-5	from Ch. 38, par. 28-5
720 ILCS 5/28-8	from Ch. 38, par. 28-8

Amends the Video Gaming Act. Makes changes in the definition of "video gaming terminal". Removes language restricting the operation of video gaming terminals near inter-track wagering licensees or inter-track wagering location licensees. Requires the splitting of the annual fees for video gaming terminals by a terminal operator and a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment. Prohibits the Board from disseminating information relating to video gaming that is specific to individual licensed locations, but allows the dissemination of information that is aggregated based on municipality or county (and makes conforming changes in the Freedom of Information Act). Amends the Criminal Code of 2012. Adds exemptions related to video gaming in provisions concerning the definition of "gambling device", the seizure of gambling devices, and gambling losses that are recoverable.

LRB098 10569 AMC 40817 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other records  
19 prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a local  
21 emergency energy plan ordinance that is adopted under  
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by wireless  
25 carriers under the Wireless Emergency Telephone Safety  
26 Act.

1           (k) Law enforcement officer identification information  
2           or driver identification information compiled by a law  
3           enforcement agency or the Department of Transportation  
4           under Section 11-212 of the Illinois Vehicle Code.

5           (l) Records and information provided to a residential  
6           health care facility resident sexual assault and death  
7           review team or the Executive Council under the Abuse  
8           Prevention Review Team Act.

9           (m) Information provided to the predatory lending  
10          database created pursuant to Article 3 of the Residential  
11          Real Property Disclosure Act, except to the extent  
12          authorized under that Article.

13          (n) Defense budgets and petitions for certification of  
14          compensation and expenses for court appointed trial  
15          counsel as provided under Sections 10 and 15 of the Capital  
16          Crimes Litigation Act. This subsection (n) shall apply  
17          until the conclusion of the trial of the case, even if the  
18          prosecution chooses not to pursue the death penalty prior  
19          to trial or sentencing.

20          (o) Information that is prohibited from being  
21          disclosed under Section 4 of the Illinois Health and  
22          Hazardous Substances Registry Act.

23          (p) Security portions of system safety program plans,  
24          investigation reports, surveys, schedules, lists, data, or  
25          information compiled, collected, or prepared by or for the  
26          Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair  
2 County Transit District under the Bi-State Transit Safety  
3 Act.

4 (q) Information prohibited from being disclosed by the  
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the  
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted  
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information  
11 in the form of health data or medical records contained in,  
12 stored in, submitted to, transferred by, or released from  
13 the Illinois Health Information Exchange, and identified  
14 or deidentified health information in the form of health  
15 data and medical records of the Illinois Health Information  
16 Exchange in the possession of the Illinois Health  
17 Information Exchange Authority due to its administration  
18 of the Illinois Health Information Exchange. The terms  
19 "identified" and "deidentified" shall be given the same  
20 meaning as in the Health Insurance Accountability and  
21 Portability Act of 1996, Public Law 104-191, or any  
22 subsequent amendments thereto, and any regulations  
23 promulgated thereunder.

24 (u) Records and information provided to an independent  
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is  
4 exempted from disclosure under subsection (g) of Section  
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure  
7 under Section 5-1014.3 of the Counties Code or Section  
8 8-11-21 of the Illinois Municipal Code.

9 (y) Information that is exempted from disclosure under  
10 subsection (c) of Section 78 of the Video Gaming Act.

11 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
12 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
13 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
14 eff. 1-1-13.)

15 Section 10. The Video Gaming Act is amended by changing  
16 Sections 5, 25, 45, and 78 as follows:

17 (230 ILCS 40/5)

18 Sec. 5. Definitions. As used in this Act:

19 "Board" means the Illinois Gaming Board.

20 "Credit" means one, 5, 10, or 25 cents either won or  
21 purchased by a player.

22 "Distributor" means an individual, partnership,  
23 corporation, or limited liability company licensed under this  
24 Act to buy, sell, lease, or distribute video gaming terminals

1 or major components or parts of video gaming terminals to or  
2 from terminal operators.

3 "Terminal operator" means an individual, partnership,  
4 corporation, or limited liability company that is licensed  
5 under this Act and that owns, services, and maintains video  
6 gaming terminals for placement in licensed establishments,  
7 licensed truck stop establishments, licensed fraternal  
8 establishments, or licensed veterans establishments.

9 "Licensed technician" means an individual who is licensed  
10 under this Act to repair, service, and maintain video gaming  
11 terminals.

12 "Licensed terminal handler" means a person, including but  
13 not limited to an employee or independent contractor working  
14 for a manufacturer, distributor, supplier, technician, or  
15 terminal operator, who is licensed under this Act to possess or  
16 control a video gaming terminal or to have access to the inner  
17 workings of a video gaming terminal. A licensed terminal  
18 handler does not include an individual, partnership,  
19 corporation, or limited liability company defined as a  
20 manufacturer, distributor, supplier, technician, or terminal  
21 operator under this Act.

22 "Manufacturer" means an individual, partnership,  
23 corporation, or limited liability company that is licensed  
24 under this Act and that manufactures or assembles video gaming  
25 terminals.

26 "Supplier" means an individual, partnership, corporation,

1 or limited liability company that is licensed under this Act to  
2 supply major components or parts to video gaming terminals to  
3 licensed terminal operators.

4 "Net terminal income" means money put into a video gaming  
5 terminal minus credits paid out to players.

6 "Video gaming terminal" means any electronic video game  
7 machine that, upon insertion of cash, electronic cards as  
8 defined in 86 Ill. Adm. Code 3000.100, or vouchers or any  
9 combination thereof, is available to play or simulate the play  
10 of a video game, including but not limited to video poker, line  
11 up, and blackjack, as authorized by the Board utilizing a video  
12 display and microprocessors in which the player may receive  
13 free games or credits that can be redeemed for cash. The term  
14 does not include a machine that directly dispenses coins, cash,  
15 or tokens or is for amusement purposes only.

16 "Licensed establishment" means any licensed retail  
17 establishment where alcoholic liquor is drawn, poured, mixed,  
18 or otherwise served for consumption on the premises and  
19 includes any such establishment that has a contractual  
20 relationship with an inter-track wagering location licensee  
21 licensed under the Illinois Horse Racing Act of 1975, provided  
22 any contractual relationship shall not include any transfer or  
23 offer of revenue from the operation of video gaming under this  
24 Act to any licensee licensed under the Illinois Horse Racing  
25 Act of 1975. Provided, however, that the licensed establishment  
26 that has such a contractual relationship with an inter-track

1     wagering location licensee may not, itself, be (i) an  
2     inter-track wagering location licensee, (ii) the corporate  
3     parent or subsidiary of any licensee licensed under the  
4     Illinois Horse Racing Act of 1975, or (iii) the corporate  
5     subsidiary of a corporation that is also the corporate parent  
6     or subsidiary of any licensee licensed under the Illinois Horse  
7     Racing Act of 1975. "Licensed establishment" does not include a  
8     facility operated by an organization licensee, an inter-track  
9     wagering licensee, or an inter-track wagering location  
10    licensee licensed under the Illinois Horse Racing Act of 1975  
11    or a riverboat licensed under the Riverboat Gambling Act,  
12    except as provided in this paragraph.

13         "Licensed fraternal establishment" means the location  
14    where a qualified fraternal organization that derives its  
15    charter from a national fraternal organization regularly  
16    meets.

17         "Licensed veterans establishment" means the location where  
18    a qualified veterans organization that derives its charter from  
19    a national veterans organization regularly meets.

20         "Licensed truck stop establishment" means a facility (i)  
21    that is at least a 3-acre facility with a convenience store,  
22    (ii) with separate diesel islands for fueling commercial motor  
23    vehicles, (iii) that sells at retail more than 10,000 gallons  
24    of diesel or biodiesel fuel per month, and (iv) with parking  
25    spaces for commercial motor vehicles. "Commercial motor  
26    vehicles" has the same meaning as defined in Section 18b-101 of

1 the Illinois Vehicle Code. The requirement of item (iii) of  
2 this paragraph may be met by showing that estimated future  
3 sales or past sales average at least 10,000 gallons per month.  
4 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
5 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff.  
6 8-12-11.)

7 (230 ILCS 40/25)

8 Sec. 25. Restriction of licensees.

9 (a) Manufacturer. A person may not be licensed as a  
10 manufacturer of a video gaming terminal in Illinois unless the  
11 person has a valid manufacturer's license issued under this  
12 Act. A manufacturer may only sell video gaming terminals for  
13 use in Illinois to persons having a valid distributor's  
14 license.

15 (b) Distributor. A person may not sell, distribute, or  
16 lease or market a video gaming terminal in Illinois unless the  
17 person has a valid distributor's license issued under this Act.  
18 A distributor may only sell video gaming terminals for use in  
19 Illinois to persons having a valid distributor's or terminal  
20 operator's license.

21 (c) Terminal operator. A person may not own, maintain, or  
22 place a video gaming terminal unless he has a valid terminal  
23 operator's license issued under this Act. A terminal operator  
24 may only place video gaming terminals for use in Illinois in  
25 licensed establishments, licensed truck stop establishments,

1 licensed fraternal establishments, and licensed veterans  
2 establishments. No terminal operator may give anything of  
3 value, including but not limited to a loan or financing  
4 arrangement, to a licensed establishment, licensed truck stop  
5 establishment, licensed fraternal establishment, or licensed  
6 veterans establishment as any incentive or inducement to locate  
7 video terminals in that establishment. Of the after-tax profits  
8 from a video gaming terminal, 50% shall be paid to the terminal  
9 operator and 50% shall be paid to the licensed establishment,  
10 licensed truck stop establishment, licensed fraternal  
11 establishment, or licensed veterans establishment,  
12 notwithstanding any agreement to the contrary. A video terminal  
13 operator that violates one or more requirements of this  
14 subsection is guilty of a Class 4 felony and is subject to  
15 termination of his or her license by the Board.

16 (d) Licensed technician. A person may not service,  
17 maintain, or repair a video gaming terminal in this State  
18 unless he or she (1) has a valid technician's license issued  
19 under this Act, (2) is a terminal operator, or (3) is employed  
20 by a terminal operator, distributor, or manufacturer.

21 (d-5) Licensed terminal handler. No person, including, but  
22 not limited to, an employee or independent contractor working  
23 for a manufacturer, distributor, supplier, technician, or  
24 terminal operator licensed pursuant to this Act, shall have  
25 possession or control of a video gaming terminal, or access to  
26 the inner workings of a video gaming terminal, unless that

1 person possesses a valid terminal handler's license issued  
2 under this Act.

3 (e) Licensed establishment. No video gaming terminal may be  
4 placed in any licensed establishment, licensed veterans  
5 establishment, licensed truck stop establishment, or licensed  
6 fraternal establishment unless the owner or agent of the owner  
7 of the licensed establishment, licensed veterans  
8 establishment, licensed truck stop establishment, or licensed  
9 fraternal establishment has entered into a written use  
10 agreement with the terminal operator for placement of the  
11 terminals. A copy of the use agreement shall be on file in the  
12 terminal operator's place of business and available for  
13 inspection by individuals authorized by the Board. A licensed  
14 establishment, licensed truck stop establishment, licensed  
15 veterans establishment, or licensed fraternal establishment  
16 may operate up to 5 video gaming terminals on its premises at  
17 any time.

18 (f) (Blank).

19 (g) Financial interest restrictions. As used in this Act,  
20 "substantial interest" in a partnership, a corporation, an  
21 organization, an association, a business, or a limited  
22 liability company means:

23 (A) When, with respect to a sole proprietorship, an  
24 individual or his or her spouse owns, operates, manages, or  
25 conducts, directly or indirectly, the organization,  
26 association, or business, or any part thereof; or

1           (B) When, with respect to a partnership, the individual  
2           or his or her spouse shares in any of the profits, or  
3           potential profits, of the partnership activities; or

4           (C) When, with respect to a corporation, an individual  
5           or his or her spouse is an officer or director, or the  
6           individual or his or her spouse is a holder, directly or  
7           beneficially, of 5% or more of any class of stock of the  
8           corporation; or

9           (D) When, with respect to an organization not covered  
10          in (A), (B) or (C) above, an individual or his or her  
11          spouse is an officer or manages the business affairs, or  
12          the individual or his or her spouse is the owner of or  
13          otherwise controls 10% or more of the assets of the  
14          organization; or

15          (E) When an individual or his or her spouse furnishes  
16          5% or more of the capital, whether in cash, goods, or  
17          services, for the operation of any business, association,  
18          or organization during any calendar year; or

19          (F) When, with respect to a limited liability company,  
20          an individual or his or her spouse is a member, or the  
21          individual or his or her spouse is a holder, directly or  
22          beneficially, of 5% or more of the membership interest of  
23          the limited liability company.

24          For purposes of this subsection (g), "individual" includes  
25          all individuals or their spouses whose combined interest would  
26          qualify as a substantial interest under this subsection (g) and

1 whose activities with respect to an organization, association,  
2 or business are so closely aligned or coordinated as to  
3 constitute the activities of a single entity.

4 (h) Location restriction. A licensed establishment,  
5 licensed truck stop establishment, licensed fraternal  
6 establishment, or licensed veterans establishment that is (i)  
7 located within 1,000 feet of a facility operated by an  
8 organization licensee ~~or an inter track wagering licensee~~  
9 licensed under the Illinois Horse Racing Act of 1975 or the  
10 home dock of a riverboat licensed under the Riverboat Gambling  
11 Act or (ii) located within 100 feet of a school or a place of  
12 worship under the Religious Corporation Act, is ineligible to  
13 operate a video gaming terminal. The location restrictions in  
14 this subsection (h) do not apply if a facility operated by an  
15 organization licensee, ~~an inter track wagering licensee, or an~~  
16 ~~inter track wagering location licensee,~~ a school, or a place of  
17 worship moves to or is established within the restricted area  
18 after a licensed establishment, licensed truck stop  
19 establishment, licensed fraternal establishment, or licensed  
20 veterans establishment becomes licensed under this Act. For the  
21 purpose of this subsection, "school" means an elementary or  
22 secondary public school, or an elementary or secondary private  
23 school registered with or recognized by the State Board of  
24 Education.

25 Notwithstanding the provisions of this subsection (h), the  
26 Board may waive the requirement that a licensed establishment,

1 licensed truck stop establishment, licensed fraternal  
2 establishment, or licensed veterans establishment not be  
3 located within 1,000 feet from a facility operated by an  
4 organization licensee, ~~an inter-track wagering licensee, or an~~  
5 ~~inter-track wagering location licensee~~ licensed under the  
6 Illinois Horse Racing Act of 1975 or the home dock of a  
7 riverboat licensed under the Riverboat Gambling Act. The Board  
8 shall not grant such waiver if there is any common ownership or  
9 control, shared business activity, or contractual arrangement  
10 of any type between the establishment and the organization  
11 licensee, ~~inter-track wagering licensee, inter-track wagering~~  
12 ~~location licensee,~~ or owners licensee of a riverboat. The Board  
13 shall adopt rules to implement the provisions of this  
14 paragraph.

15 (i) Undue economic concentration. In addition to  
16 considering all other requirements under this Act, in deciding  
17 whether to approve the operation of video gaming terminals by a  
18 terminal operator in a location, the Board shall consider the  
19 impact of any economic concentration of such operation of video  
20 gaming terminals. The Board shall not allow a terminal operator  
21 to operate video gaming terminals if the Board determines such  
22 operation will result in undue economic concentration. For  
23 purposes of this Section, "undue economic concentration" means  
24 that a terminal operator would have such actual or potential  
25 influence over video gaming terminals in Illinois as to:

26 (1) substantially impede or suppress competition among

1 terminal operators;

2 (2) adversely impact the economic stability of the  
3 video gaming industry in Illinois; or

4 (3) negatively impact the purposes of the Video Gaming  
5 Act.

6 The Board shall adopt rules concerning undue economic  
7 concentration with respect to the operation of video gaming  
8 terminals in Illinois. The rules shall include, but not be  
9 limited to, (i) limitations on the number of video gaming  
10 terminals operated by any terminal operator within a defined  
11 geographic radius and (ii) guidelines on the discontinuation of  
12 operation of any such video gaming terminals the Board  
13 determines will cause undue economic concentration.

14 (j) The provisions of the Illinois Antitrust Act are fully  
15 and equally applicable to the activities of any licensee under  
16 this Act.

17 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
18 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
19 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

20 (230 ILCS 40/45)

21 Sec. 45. Issuance of license.

22 (a) The burden is upon each applicant to demonstrate his  
23 suitability for licensure. Each video gaming terminal  
24 manufacturer, distributor, supplier, operator, handler,  
25 licensed establishment, licensed truck stop establishment,

1 licensed fraternal establishment, and licensed veterans  
2 establishment shall be licensed by the Board. The Board may  
3 issue or deny a license under this Act to any person pursuant  
4 to the same criteria set forth in Section 9 of the Riverboat  
5 Gambling Act.

6 (a-5) The Board shall not grant a license to a person who  
7 has facilitated, enabled, or participated in the use of  
8 coin-operated devices for gambling purposes or who is under the  
9 significant influence or control of such a person. For the  
10 purposes of this Act, "facilitated, enabled, or participated in  
11 the use of coin-operated amusement devices for gambling  
12 purposes" means that the person has been convicted of any  
13 violation of Article 28 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012. If there is pending legal action against  
15 a person for any such violation, then the Board shall delay the  
16 licensure of that person until the legal action is resolved.

17 (b) Each person seeking and possessing a license as a video  
18 gaming terminal manufacturer, distributor, supplier, operator,  
19 handler, licensed establishment, licensed truck stop  
20 establishment, licensed fraternal establishment, or licensed  
21 veterans establishment shall submit to a background  
22 investigation conducted by the Board with the assistance of the  
23 State Police or other law enforcement. The background  
24 investigation shall include each beneficiary of a trust, each  
25 partner of a partnership, and each director and officer and all  
26 stockholders of 5% or more in a parent or subsidiary

1 corporation of a video gaming terminal manufacturer,  
2 distributor, supplier, operator, or licensed establishment,  
3 licensed truck stop establishment, licensed fraternal  
4 establishment, or licensed veterans establishment.

5 (c) Each person seeking and possessing a license as a video  
6 gaming terminal manufacturer, distributor, supplier, operator,  
7 handler, licensed establishment, licensed truck stop  
8 establishment, licensed fraternal establishment, or licensed  
9 veterans establishment shall disclose the identity of every  
10 person, association, trust, corporation, or limited liability  
11 company having a greater than 1% direct or indirect pecuniary  
12 interest in the video gaming terminal operation for which the  
13 license is sought. If the disclosed entity is a trust, the  
14 application shall disclose the names and addresses of the  
15 beneficiaries; if a corporation, the names and addresses of all  
16 stockholders and directors; if a limited liability company, the  
17 names and addresses of all members; or if a partnership, the  
18 names and addresses of all partners, both general and limited.

19 (d) No person may be licensed as a video gaming terminal  
20 manufacturer, distributor, supplier, operator, handler,  
21 licensed establishment, licensed truck stop establishment,  
22 licensed fraternal establishment, or licensed veterans  
23 establishment if that person has been found by the Board to:

24 (1) have a background, including a criminal record,  
25 reputation, habits, social or business associations, or  
26 prior activities that pose a threat to the public interests

1 of the State or to the security and integrity of video  
2 gaming;

3 (2) create or enhance the dangers of unsuitable,  
4 unfair, or illegal practices, methods, and activities in  
5 the conduct of video gaming; or

6 (3) present questionable business practices and  
7 financial arrangements incidental to the conduct of video  
8 gaming activities.

9 (e) Any applicant for any license under this Act has the  
10 burden of proving his or her qualifications to the satisfaction  
11 of the Board. The Board may adopt rules to establish additional  
12 qualifications and requirements to preserve the integrity and  
13 security of video gaming in this State.

14 (f) A non-refundable application fee shall be paid at the  
15 time an application for a license is filed with the Board in  
16 the following amounts:

- 17 (1) Manufacturer ..... \$5,000
- 18 (2) Distributor..... \$5,000
- 19 (3) Terminal operator..... \$5,000
- 20 (4) Supplier ..... \$2,500
- 21 (5) Technician ..... \$100
- 22 (6) Terminal Handler ..... \$50

23 (g) The Board shall establish an annual fee for each  
24 license not to exceed the following:

- 25 (1) Manufacturer ..... \$10,000
- 26 (2) Distributor..... \$10,000

- 1           (3) Terminal operator..... \$5,000
- 2           (4) Supplier ..... \$2,000
- 3           (5) Technician ..... \$100
- 4           (6) Licensed establishment, licensed truck stop
- 5           establishment, licensed fraternal establishment,
- 6           or licensed veterans establishment ..... \$100
- 7           (7) Video gaming terminal..... \$100
- 8           (8) Terminal Handler ..... \$50

9           (h) A terminal operator and a licensed establishment,  
 10 licensed truck stop establishment, licensed fraternal  
 11 establishment, or licensed veterans establishment shall  
 12 equally split the fees specified in item (7) of subsection (g).

13           (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
 14           eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
 15           97-1150, eff. 1-25-13.)

16           (230 ILCS 40/78)

17           Sec. 78. Authority of the Illinois Gaming Board.

18           (a) The Board shall have jurisdiction over and shall  
 19           supervise all gaming operations governed by this Act. The Board  
 20           shall have all powers necessary and proper to fully and  
 21           effectively execute the provisions of this Act, including, but  
 22           not limited to, the following:

23           (1) To investigate applicants and determine the  
 24           eligibility of applicants for licenses and to select among  
 25           competing applicants the applicants which best serve the

1 interests of the citizens of Illinois.

2 (2) To have jurisdiction and supervision over all video  
3 gaming operations in this State and all persons in  
4 establishments where video gaming operations are  
5 conducted.

6 (3) To adopt rules for the purpose of administering the  
7 provisions of this Act and to prescribe rules, regulations,  
8 and conditions under which all video gaming in the State  
9 shall be conducted. Such rules and regulations are to  
10 provide for the prevention of practices detrimental to the  
11 public interest and for the best interests of video gaming,  
12 including rules and regulations regarding the inspection  
13 of such establishments and the review of any permits or  
14 licenses necessary to operate an establishment under any  
15 laws or regulations applicable to establishments and to  
16 impose penalties for violations of this Act and its rules.

17 (b) The Board shall adopt emergency rules to administer  
18 this Act in accordance with Section 5-45 of the Illinois  
19 Administrative Procedure Act. For the purposes of the Illinois  
20 Administrative Procedure Act, the General Assembly finds that  
21 the adoption of rules to implement this Act is deemed an  
22 emergency and necessary to the public interest, safety, and  
23 welfare.

24 (c) The Board may not disseminate information relating to  
25 video gaming that is specific to individual licensed locations,  
26 but may disseminate information that is aggregated based on

1 municipality or county.

2 (Source: P.A. 96-38, eff. 7-13-09; 96-1410, eff. 7-30-10.)

3 Section 15. The Criminal Code of 2012 is amended by  
4 changing Sections 28-2, 28-5, and 28-8 as follows:

5 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

6 Sec. 28-2. Definitions.

7 (a) A "gambling device" is any clock, tape machine, slot  
8 machine or other machines or device for the reception of money  
9 or other thing of value on chance or skill or upon the action  
10 of which money or other thing of value is staked, hazarded,  
11 bet, won or lost; or any mechanism, furniture, fixture,  
12 equipment or other device designed primarily for use in a  
13 gambling place. A "gambling device" does not include:

14 (1) A coin-in-the-slot operated mechanical device  
15 played for amusement which rewards the player with the  
16 right to replay such mechanical device, which device is so  
17 constructed or devised as to make such result of the  
18 operation thereof depend in part upon the skill of the  
19 player and which returns to the player thereof no money,  
20 property or right to receive money or property.

21 (2) Vending machines by which full and adequate return  
22 is made for the money invested and in which there is no  
23 element of chance or hazard.

24 (3) A crane game. For the purposes of this paragraph

1 (3), a "crane game" is an amusement device involving skill,  
2 if it rewards the player exclusively with merchandise  
3 contained within the amusement device proper and limited to  
4 toys, novelties and prizes other than currency, each having  
5 a wholesale value which is not more than \$25.

6 (4) A redemption machine. For the purposes of this  
7 paragraph (4), a "redemption machine" is a single-player or  
8 multi-player amusement device involving a game, the object  
9 of which is throwing, rolling, bowling, shooting, placing,  
10 or propelling a ball or other object that is either  
11 physical or computer generated on a display or with lights  
12 into, upon, or against a hole or other target that is  
13 either physical or computer generated on a display or with  
14 lights, or stopping, by physical, mechanical, or  
15 electronic means, a moving object that is either physical  
16 or computer generated on a display or with lights into,  
17 upon, or against a hole or other target that is either  
18 physical or computer generated on a display or with lights,  
19 provided that all of the following conditions are met:

20 (A) The outcome of the game is predominantly  
21 determined by the skill of the player.

22 (B) The award of the prize is based solely upon the  
23 player's achieving the object of the game or otherwise  
24 upon the player's score.

25 (C) Only merchandise prizes are awarded.

26 (D) The wholesale value of prizes awarded in lieu

1 of tickets or tokens for single play of the device does  
2 not exceed \$25.

3 (E) The redemption value of tickets, tokens, and  
4 other representations of value, which may be  
5 accumulated by players to redeem prizes of greater  
6 value, for a single play of the device does not exceed  
7 \$25.

8 (5) Video gaming terminals at a licensed  
9 establishment, licensed truck stop establishment, licensed  
10 fraternal establishment, or licensed veterans  
11 establishment licensed in accordance with the Video Gaming  
12 Act.

13 (a-5) "Internet" means an interactive computer service or  
14 system or an information service, system, or access software  
15 provider that provides or enables computer access by multiple  
16 users to a computer server, and includes, but is not limited  
17 to, an information service, system, or access software provider  
18 that provides access to a network system commonly known as the  
19 Internet, or any comparable system or service and also  
20 includes, but is not limited to, a World Wide Web page,  
21 newsgroup, message board, mailing list, or chat area on any  
22 interactive computer service or system or other online service.

23 (a-6) "Access" and "computer" have the meanings ascribed to  
24 them in Section 16D-2 of this Code.

25 (b) A "lottery" is any scheme or procedure whereby one or  
26 more prizes are distributed by chance among persons who have

1 paid or promised consideration for a chance to win such prizes,  
2 whether such scheme or procedure is called a lottery, raffle,  
3 gift, sale or some other name.

4 (c) A "policy game" is any scheme or procedure whereby a  
5 person promises or guarantees by any instrument, bill,  
6 certificate, writing, token or other device that any particular  
7 number, character, ticket or certificate shall in the event of  
8 any contingency in the nature of a lottery entitle the  
9 purchaser or holder to receive money, property or evidence of  
10 debt.

11 (Source: P.A. 97-1126, eff. 1-1-13.)

12 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

13 Sec. 28-5. Seizure of gambling devices and gambling funds.

14 (a) Every device designed for gambling which is incapable  
15 of lawful use or every device used unlawfully for gambling  
16 shall be considered a "gambling device", and shall be subject  
17 to seizure, confiscation and destruction by the Department of  
18 State Police or by any municipal, or other local authority,  
19 within whose jurisdiction the same may be found. As used in  
20 this Section, a "gambling device" includes any slot machine,  
21 and includes any machine or device constructed for the  
22 reception of money or other thing of value and so constructed  
23 as to return, or to cause someone to return, on chance to the  
24 player thereof money, property or a right to receive money or  
25 property. With the exception of any device designed for

1 gambling which is incapable of lawful use, no gambling device  
2 shall be forfeited or destroyed unless an individual with a  
3 property interest in said device knows of the unlawful use of  
4 the device.

5 (b) Every gambling device shall be seized and forfeited to  
6 the county wherein such seizure occurs. Any money or other  
7 thing of value integrally related to acts of gambling shall be  
8 seized and forfeited to the county wherein such seizure occurs.

9 (c) If, within 60 days after any seizure pursuant to  
10 subparagraph (b) of this Section, a person having any property  
11 interest in the seized property is charged with an offense, the  
12 court which renders judgment upon such charge shall, within 30  
13 days after such judgment, conduct a forfeiture hearing to  
14 determine whether such property was a gambling device at the  
15 time of seizure. Such hearing shall be commenced by a written  
16 petition by the State, including material allegations of fact,  
17 the name and address of every person determined by the State to  
18 have any property interest in the seized property, a  
19 representation that written notice of the date, time and place  
20 of such hearing has been mailed to every such person by  
21 certified mail at least 10 days before such date, and a request  
22 for forfeiture. Every such person may appear as a party and  
23 present evidence at such hearing. The quantum of proof required  
24 shall be a preponderance of the evidence, and the burden of  
25 proof shall be on the State. If the court determines that the  
26 seized property was a gambling device at the time of seizure,

1 an order of forfeiture and disposition of the seized property  
2 shall be entered: a gambling device shall be received by the  
3 State's Attorney, who shall effect its destruction, except that  
4 valuable parts thereof may be liquidated and the resultant  
5 money shall be deposited in the general fund of the county  
6 wherein such seizure occurred; money and other things of value  
7 shall be received by the State's Attorney and, upon  
8 liquidation, shall be deposited in the general fund of the  
9 county wherein such seizure occurred. However, in the event  
10 that a defendant raises the defense that the seized slot  
11 machine is an antique slot machine described in subparagraph  
12 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
13 from the charge of a gambling activity participant, the seized  
14 antique slot machine shall not be destroyed or otherwise  
15 altered until a final determination is made by the Court as to  
16 whether it is such an antique slot machine. Upon a final  
17 determination by the Court of this question in favor of the  
18 defendant, such slot machine shall be immediately returned to  
19 the defendant. Such order of forfeiture and disposition shall,  
20 for the purposes of appeal, be a final order and judgment in a  
21 civil proceeding.

22 (d) If a seizure pursuant to subparagraph (b) of this  
23 Section is not followed by a charge pursuant to subparagraph  
24 (c) of this Section, or if the prosecution of such charge is  
25 permanently terminated or indefinitely discontinued without  
26 any judgment of conviction or acquittal (1) the State's

1 Attorney shall commence an in rem proceeding for the forfeiture  
2 and destruction of a gambling device, or for the forfeiture and  
3 deposit in the general fund of the county of any seized money  
4 or other things of value, or both, in the circuit court and (2)  
5 any person having any property interest in such seized gambling  
6 device, money or other thing of value may commence separate  
7 civil proceedings in the manner provided by law.

8 (e) Any gambling device displayed for sale to a riverboat  
9 gambling operation or used to train occupational licensees of a  
10 riverboat gambling operation as authorized under the Riverboat  
11 Gambling Act is exempt from seizure under this Section.

12 (f) Any gambling equipment, devices and supplies provided  
13 by a licensed supplier in accordance with the Riverboat  
14 Gambling Act which are removed from the riverboat for repair  
15 are exempt from seizure under this Section.

16 (g) The following video gaming terminals are exempt from  
17 seizure under this Section:

18 (1) Video gaming terminals for sale to a licensed  
19 establishment, licensed truck stop establishment, licensed  
20 fraternal establishment, or licensed veterans  
21 establishment under the Video Gaming Act.

22 (2) Video gaming terminals used to train licensed  
23 technicians or licensed terminal handlers.

24 (3) Video gaming terminals that are removed from a  
25 licensed establishment, licensed truck stop establishment,  
26 licensed fraternal establishment, or licensed veterans

1           establishment for repair.

2           (Source: P.A. 87-826.)

3                     (720 ILCS 5/28-8) (from Ch. 38, par. 28-8)

4                     Sec. 28-8. Gambling losses recoverable.

5                     (a) Any person who by gambling shall lose to any other  
6 person, any sum of money or thing of value, amounting to the  
7 sum of \$50 or more and shall pay or deliver the same or any part  
8 thereof, may sue for and recover the money or other thing of  
9 value, so lost and paid or delivered, in a civil action against  
10 the winner thereof, with costs, in the circuit court. No person  
11 who accepts from another person for transmission, and  
12 transmits, either in his own name or in the name of such other  
13 person, any order for any transaction to be made upon, or who  
14 executes any order given to him by another person, or who  
15 executes any transaction for his own account on, any regular  
16 board of trade or commercial, commodity or stock exchange,  
17 shall, under any circumstances, be deemed a "winner" of any  
18 moneys lost by such other person in or through any such  
19 transactions.

20                     (b) If within 6 months, such person who under the terms of  
21 Subsection 28-8(a) is entitled to initiate action to recover  
22 his losses does not in fact pursue his remedy, any person may  
23 initiate a civil action against the winner. The court or the  
24 jury, as the case may be, shall determine the amount of the  
25 loss. After such determination, the court shall enter a

1 judgment of triple the amount so determined.

2 (c) Gambling losses as a result of gambling conducted on a  
3 video gaming terminal licensed under the Video Gaming Act are  
4 not recoverable under this Section.

5 (Source: P.A. 79-1360.)